

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 08 November 2000 (08.11.00)	
<b>International application No.</b> PCT/US00/09927	<b>Applicant's or agent's file reference</b> MCI-004.1-PC
<b>International filing date</b> (day/month/year) 14 April 2000 (14.04.00)	<b>Priority date</b> (day/month/year) 14 April 1999 (14.04.99)
<b>Applicant</b> GRAY, John et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

15 August 2000 (15.08.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  R. E. Stoffel  Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: DOLORES T. KENNEY  
OLSON & HIERL, LTD.  
20 NORTH WACKER DRIVE  
36TH FLOOR  
CHICAGO IL 60606

**RECEIVED**  
JAN 16 2001  
OLSON & HIERL, LTD.

**PCT**

WRITTEN OPINION

(PCT Rule 66)

3/10/01

Date of Mailing  
(day/month/year)

10 JAN 2001

Applicant's or agent's file reference

MCI-004.1-PC

REPLY DUE

within TWO months  
from the above date of mailing

International application No.

PCT/US00/09927

International filing date (day/month/year)

14 APRIL 2000

Priority date (day/month/year)

14 APRIL 1999

International Patent Classification (IPC) or both national classification and IPC  
Please See Supplemental Sheet.

Applicant

MCINTYRE GROUP, LTD.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 14 AUGUST 2001

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

RICHARD D. LOVERING

Telephone No. (703) 308-0661

Jean Proctor  
Paralegal Specialist

**I. Basis of the opinion**

1. With regard to the **elements** of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages 1-24 , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the claims  
 pages 25-30 , as originally filed  
 pages NONE , as amended (together with any statement) under Article 19  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages none , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
 pages NONE , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets fig. none

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Inventive Step (IS)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO
Industrial Applicability (IA)	Claims	<u>(Please See supplemental sheet)</u>	YES
	Claims	<u>(Please See supplemental sheet)</u>	NO

**2. citations and explanations**

Claims 1-3, 5-10, 12, 16-24, 26 and 27 lack novelty under PCT Article 33(2) as being anticipated by GIRET ET AL., column 9, line 47 - column 11, line 10, noting especially Example VII containing, inter alia, 3% coconut monoethanolamide. While GIRET ET AL. do not use applicant's nomenclature of "emulsifying surfactant", they do disclose cocoamphoacetate, Na laureth - 3 sulfate, etc. (column 10, lines 1-27; and Example VII), and it is well-settled that a reference need not disclose a specific limitation in haec verba.

Claims 4, 11, 13-15, 25 and 28-31 lack an inventive step under PCT Article 33(3) as being obvious over GIRET ET AL. above. The especially pertinent portions of GIRET ET AL. are pointed out in the preceding paragraph. As to claims 4, 28 and 29, herein, while Example VII of GIRET ET AL. does not disclose a concentration of coconut monoethanolamide of 5% or above, it would not involve an inventive step to use such concentrations in the compositions of GIRET ET AL. because they suggest this in column 5, lines 53-59. As to claims 11 and 13-15 herein, while the cleansing composition of Example VII of GIRET ET AL. does not contain a betaine, it would not involve an inventive step to incorporate a betaine, such as coco - or lauryl - amidopropyldimethylcarboxymethyl betaine, in said cleansing compositions of Example VII of GIRET ET AL. because they suggest doing this in column 2, lines 41-44; column 5, lines 53-56; and column 7, lines 8-23. As to claim 25 herein, while GIRET ET AL. may post - add their perfume after mixing phases A and B (in which phase B contains coconut monoethanolamide), it would not involve an inventive step to solubilize the perfume of GIRET ET AL. in said phase B instead of post - adding it, absent any unexpected result. The order of procedure in mixing ingredients of a composition is a mere matter of choice within the skill of the art. As to claims 30 and 31 herein, while GIRET ET AL. may not exemplify a terminal step of adjusting solids content to not more than 60% by adding water, it would not involve an inventive step to use such a terminal step in the process of GIRET ET AL. because their disclosure in column 9, lines 40-42, suggests such a procedure. (Continued on Supplemental Sheet.)

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: DOLORES T. KENNEY  
OLSON & HIERL, LTD.  
20 NORTH WACKER DRIVE  
36TH FLOOR  
CHICAGO IL 60606

10/2/00

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing (day/month/year) **02 AUG 2000**

Applicant's or agent's file reference  
MCI-004.1-PC

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
PCT/US00/09927

International filing date  
(day/month/year) 14 APRIL 2000

Applicant  
MCINTYRE GROUP, LTD.

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

**For more detailed instructions,** see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 *bis* 1 and 90 *bis* 3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D C 20231

Facsimile No. (703) 305-3230

Authorized officer

RICHARD D. LOVERING

Telephone No. (703) 308-0651

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MCI-004.1-PC	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"><b>FOR FURTHER ACTION</b></div> <div>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</div> </div>	
International application No. PCT/US00/09927	International filing date ( <i>day/month/year</i> ) 14 APRIL 2000	(Earliest) Priority Date ( <i>day/month/year</i> ) 14 APRIL 1999
Applicant MCINTYRE GROUP, LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

#### 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
 

☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  
☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ **Certain claims were found unsearchable** (See Box I).
3. ☐ **Unity of invention is lacking** (See Box II).
4. With regard to the **title**.
 

☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**.
 

☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_
 

☐ as suggested by the applicant.  
☐ because the applicant failed to suggest a figure.  
☐ because this figure better characterizes the invention.

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/09927

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : A61K 7/075; B01F 3/08; C11D 1/90, 1/94  
US CL : 510/123, 416, 417, 502; 516/67, 69

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 510/123, 416, 417, 502; 516/67, 69, 926

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,409,640 A (GIRET ET AL.) 25 April 1995, column 2, line 38 - column 3, line 2; column 4, lines 11-16; column 5, lines 53-59; and column 9, line 47 - column 11, line 10, noting especially Example VIII.	1-31
A	US Re. 34,584 A (GROTE ET AL.) 12 April 1994, entire document.	1-31
A	US 4,620,976 A (QUACK ET AL.) 04 November 1986, entire document.	1-31
A	US 4,948,528 A (HOEFFKES ET AL.) 14 August 1990, entire document.	1-31
A	US 5,290,482 A (MARSCHNER ET AL.) 01 March 1994, entire document.	1-31

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance, the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier document published on or after the international filing date	"Y" document of particular relevance, the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 27 JUNE 2000	Date of mailing of the international search report 02 AUG 2000
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer RICHARD D. LOVERING Telephone No. (703) 308-0651

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

RECD 10 MAY 2001

Applicant's or agent's file reference MCI-004.1-PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/09927	International filing date (day/month/year) 14 APRIL 2000	Priority date (day/month/year) 14 APRIL 1999
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant MCINTYRE GROUP, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  15 AUGUST 2000	Date of completion of this report  07 APRIL 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  RICHARD D. LOVERING <i>Richard D. Lovering</i>
Facsimile No. (703) 305-2230	Telephone No. (703) 308-0661



**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. statement

Novelty (N)	Claims	<u>4, 11, 13-15, 25 and 28-31</u>	YES
	Claims	<u>1-3, 5-10, 12 and 16-21</u>	NO
Inventive Step (IS)	Claims	<u>22-27</u>	YES
	Claims	<u>1-21 and 28-31</u>	NO
Industrial Applicability (IA)	Claims	<u>1-31</u>	YES
	Claims	<u>none</u>	NO

## 2. citations and explanations (Rule 70.7)

Claims 1-3, 5-10, 12, 16-21 and 26 lack novelty under PCT Article 33(2) as being anticipated by GIRET ET AL., column 9, line 47 - column 11, line 10, noting especially Example VII containing, inter alia, 3% coconut monoethanolamide. While GIRET ET AL. do not use applicant's nomenclature of "emulsifying surfactant", they do disclose cocoamphoacetate, Na laureth - 3 sulfate, etc. (column 10, lines 1-27; and Example VII), and it is well-settled that a reference need not disclose a specific limitation in haec verba.

Claims 4, 11, 13-15 and 28-31 lack an inventive step under PCT Article 33(3) as being obvious over GIRET ET AL. above. The especially pertinent portions of GIRET ET AL. are pointed out in the preceding paragraph. As to claims 4, 28 and 29, herein, while Example VII of GIRET ET AL. does not disclose a concentration of coconut monoethanolamide of 5% or above, it would not involve an inventive step to use such concentrations in the compositions of GIRET ET AL. because they suggest this in column 5, lines 53-59. As to claims 11 and 13-15 herein, while the cleansing composition of Example VII of GIRET ET AL. does not contain a betaine, it would not involve an inventive step to incorporate a betaine, such as coco - or lauryl - amidopropyldimethylcarboxymethyl betaine, in said cleansing compositions of Example VII of GIRET ET AL. because they suggest doing this in column 2, lines 41-44; column 5, lines 53-56; and column 7, lines 8-23. As to claims 30 and 31 herein, while GIRET ET AL. may not exemplify a terminal step of adjusting solids content to not more than 60% by adding water, it would not involve an inventive step to use such a terminal step in the process of GIRET ET AL. because their disclosure in column 9, lines 40-42, suggests such a procedure.

Responsive to applicant's remarks of 09 February 2001: The concentration of cocoamphoacetate plus cocoamphodiacetate in Example VII of GIRET ET AL. is 5% (within applicant's range of 5-30%). Applicant's claims in "comprising" do not exclude the presence of an additional surfactant and/or additional liquid ingredients. Note that GIRET ET AL. in column 5, lines 53-59, (Continued on Supplemental Sheet.)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No

PCT/US00/09927

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 31 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 31 is indefinite for the following reason(s):

Claim 31 is indefinite in being a dependent claim which depends upon itself. (Apparently claim 31 should depend upon claim 30).

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/09927

**I. Basis of the report**1. With regard to the **elements** of the international application: \*☐ the international application as originally filed☒ the description:

pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement) under Article 19

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the sequence listing part of the description:

pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages \_\_\_\_\_ none \_\_\_\_\_☒ the claims, Nos. \_\_\_\_\_ none \_\_\_\_\_☒ the drawings, sheets/figs \_\_\_\_\_ none \_\_\_\_\_5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## PATENT COOPERATION TREATY

RECEIVED

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

MAY 10 2001

To: DOLORES T. KENNEY  
OLSON & HIERL, LTD.  
20 NORTH WACKER DRIVE  
36TH FLOOR  
CHICAGO IL 60606

PCTOLSON &amp; HIERL, LTD

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

07 MAY 2001

Applicant's or agent's file reference

MCI-004.1-PC

## IMPORTANT NOTIFICATION

International application No.

PCT/US00/09927

International filing date (day/month/year)

14 APRIL 2000

Priority Date (day/month/year)

14 APRIL 1999

Applicant

MCINTYRE GROUP, LTD.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

RICHARD D. LOVERING

Telephone No. (703) 308-0661

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Boxes I - VIII

Sheet 10

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): A61K 7/075; B01F 3/08; C11D 1/90, 1/94

and US Cl.: 510/123, 416, 417, 502; 516/67, 69

**V. 1. REASONED STATEMENTS:**

The opinion as to Novelty was positive (YES) with respect to claims 4, 11, 13-15, 25 and 28-31.

The opinion as to Novelty was negative (NO) with respect to claims 1-3, 5-10, 12, 16-24, 26 and 27.

The opinion as to Inventive Step was positive (YES) with respect to claims none .

The opinion as to Inventive Step was negative (NO) with respect to claims 1-31.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-31.

The opinion as to Industrial Applicability was negative (NO) with respect to claims none .

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Claims 1-31 have industrial applicability under PCT Article 33(4) because the subject matter claimed can be made and used in the detergent and cosmetic industries.

----- NEW CITATIONS -----

none

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/09927

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): A61K 7/075; B01F 3/08; C11D 1/90, 1/94

and US Cl.: 510/123, 416, 417, 502; 516/67, 69

**I. BASIS OF REPORT:**

This report has been drawn on the basis of the description,

page(s) 1-7, 9, 10 AND 11-24, as originally filed.

page(s) NONE, filed with the demand.

and additional amendments:

Page(s) 8 and 11, filed with the letter of 09 February 2001.

This report has been drawn on the basis of the claims,

page(s) 25-30, as originally filed.

page(s) NONE, as amended under Article 19.

page(s) NONE, filed with the demand.

and additional amendments:

NONE

This report has been drawn on the basis of the drawings,

page(s) none, as originally filed.

page(s) NONE, filed with the demand.

and additional amendments:

NONE

This report has been drawn on the basis of the sequence listing part of the description:

page(s) NONE, as originally filed.

pages(s) NONE, filed with the demand.

and additional amendments:

NONE

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

teach that fatty monoethanolamides are preferred.

Claims 22-27 meet the criteria of PCT Article 33(2-3) because the cold mixing process recited is not disclosed or fairly suggested by the prior art.

Claims 1-31 have industrial applicability under PCT Article 33(4) because the subject matter claimed can be made and used in the detergent and cosmetic industries.

----- NEW CITATIONS -----

none

ambient temperature in the range of about zero°C to about 30°C, over a period of at least one week. The term "high solids" as used herein means that the sum of all non-volatile components in the emulsion is in the range of at least about 20 weight percent to not more than about 60 weight percent, preferably in the range of about 25 weight percent to not more than about 55 weight percent, of the total emulsion weight.

Monoalkanolamides useful herein can be made by any process known in the art so long as they form a monoalkanolamide surfactant emulsion. Commercially available monoalkanolamides suitable for preparing monoalkanolamide surfactant emulsions of this invention are available from a number of suppliers and can be prepared by any of various known synthetic processes, such as, but not limited to, the catalytic trans-esterification of fatty acids or derivatives thereof (commonly referred to as superamides) or by direct amidation of fatty acids with C<sub>2</sub>-C<sub>6</sub> alkanolamine. Non-limiting examples of commercially available monoalkanolamides and suppliers are found in the INCI Dictionary, incorporated herein by reference.

Preferred monoalkanolamides are alkanolamine condensates of fatty acids such as, but not limited to, lauric acid, palmitic acid, stearic acid, oleic acid, linoleic acid and fatty acids derived from plant oils such as, but not limited to coconut oil, soybean oil, canola oil (genetically modified Canadian rapeseed oil), wheat germ oil, peanut oil, corn oil, olive oil, and the like and mixtures thereof. As long as a monoalkanolamide surfactant emulsion can be formed, the type of plant oil employed for making monoalkanolamide derivatives is limited only by economics or commercial production of such oils.

Preferred monoalkanolamides are monoethanolamides, such as, but not limited to, coconut

AMENDED SHEET

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not limited so long as interaction, if any, between surfactants does not result in solid precipitate formation and interfere with the formation of the monoalkanolamide surfactant emulsion.

5           The term "amphoteric surfactants" refers to that class of surfactants that can exist in three different charged forms depending on pH; i.e., cationic, zwitterionic or anionic, and includes the water-soluble salts thereof. Suitable amphoteric surfactants include, but are not  
10 limited to, acylamphoacetate, acylamphodiacetates, acylamphopropionates, wherein the acyl group has from about 8 to about 22 carbon atoms. Preferred amphoteric surfactants include, but are not limited to, sodium cocoamphoacetate, sodium lauroamphoacetate, disodium  
15 caprylamphoacetate, disodium cocoamphodiacetate, disodium lauroamphodiacetate, disodium wheat germamphodiacetate, sodium cocoamphopropionate, disodium capryloamphodipropionate, disodium cocoamphodipropionate, disodium lauroamphodipropionate and the like. Sodium  
20 cocoamphopropionate is particularly preferred.

          The term "zwitterionic surfactant" refers to that class of surfactants that can exist as intronium or inner salts (i.e., in zwitterionic form) at a pH at and above their isoelectric points (neutral and alkaline pH) and are  
25 either zwitterionic or cationic below their isoelectric points (acid pH). Suitable zwitterionic surfactants include, but are not limited to, betaine surfactants, such as alkyl betaine, alkylamido betaine and the like and sulfobetaines (sultaines), such as alkyl sultaine,  
30 alkylamido sultaine and the like, wherein the alkyl group has from about 8 to about 22 carbon atoms. Particularly preferred are betaines including, but not limited to, cocobetaine (cocodimethylglycine), octyl betaine, lauryl betaine, cetyl betaine, oleyl betaine, cocoamidopropyl